

ASSEMBLY BILL

No. 559

Introduced by Assembly Member Harman

February 18, 2003

An act to add Section 1808.27 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 559, as introduced, Harman. Vehicles: residence addresses: release to private parking entities.

(1) Existing law requires the Department of Motor Vehicles, until January 1, 2004, to implement a pilot program to provide residence address information to an accredited degree-granting nonprofit independent institution of higher education incorporated in the state that operates pursuant to a memorandum of understanding that permits a security officer of that institution to have arrest powers, if, under penalty of perjury, the institution requests the address solely for the purposes of enforcing parking restrictions. Under the pilot program, a participating institution is required to enter into a contract with the department requiring the institution to establish and maintain procedures for persons to contest parking violation notices issued by the institution and to remit fees to cover the department's costs of providing each address to the institution.

Existing law makes the willful, unauthorized disclosure of information from the department's records to any person a misdemeanor, punishable by a fine of not more than \$5,000 or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

Existing law prohibits any person or agent from distributing restricted or confidential information from the department's files to any person. A person who violates this provision is liable to the department for civil penalties up to \$100,000 and is required to have its information access privileges suspended or revoked, as specified.

This bill would require the department to provide residence address information to a private entity that has contracted with a public agency to enforce parking laws and regulations for that agency, or that has been designated the entity responsible for parking enforcement under a local ordinance or resolution, if the private entity meets certain requirements.

The bill would require the private entity to enter into a contract with the department requiring the private entity to establish and maintain procedures for persons to contest parking violation notices issued by the private entity and to remit fees to cover the department's costs of providing each address to the private entity. The bill would require the contract to include provisions wherein the private entity agrees (a) to request confidential information only through an approved commercial requester account, (b) to use the information solely for the purpose of administering and enforcing parking restrictions, and (c) to establish procedures to protect the confidentiality of the information.

The bill would require any confidential information obtained from the department under these provisions to be held confidential, except as specified, and would prohibit that information from being used for any purpose other than the administration or enforcement of parking restrictions. The bill would make a willful violation of these confidentiality provisions a misdemeanor, punishable by a fine of not more than \$5,000, or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill thereby would impose a state-mandated local program by creating a new crime.

The bill would provide that a person who violates these confidentiality provisions, in addition to any other penalty provided under law, would be liable to the department for civil penalties of not more than \$100,000 and would have its requester code privileges revoked or suspended for not more than 5 years.

The bill would require the public agency for which the private entity is providing parking enforcement services to implement procedures to review the procedures of the private entity to ensure compliance with the confidentiality provisions. The bill would require the public agency to report noncompliance to the department.



(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1808.27 is added to the Vehicle Code,
2 to read:

3 1808.27. (a) The department shall provide residence address
4 information to a private entity that has contracted with a public
5 agency to enforce parking laws and regulations for that agency, or
6 that has been designated the entity responsible for parking
7 enforcement under a local ordinance or resolution, if the private
8 entity meets all of the requirements of this section.

9 (b) The private entity shall enter into a contract with the
10 department that, at a minimum, requires the private entity to do all
11 of the following:

12 (1) Establish and maintain procedures, to the satisfaction of the
13 department, for persons to contest parking violation notices issued
14 by the private entity.

15 (2) Remit a fee, as determined by the department, to cover the
16 department's costs of providing each address to the private entity.

17 (3) Agree to request confidential residence address
18 information from the department's vehicle registration database
19 only through an approved commercial requester account.

20 (4) Agree to use the information provided under this section
21 solely for the purpose of administering and enforcing parking
22 restrictions.

23 (5) Agree to establish procedures to protect the confidentiality
24 of the information provided under this section.

25 (c) The director may terminate the contract required under
26 subdivision (b) at any time the department determines that the
27 private entity fails to maintain adequate safeguards to ensure that
28 the operation of the program does not adversely affect those
29 individuals whose records are maintained in the department's files,

1 or that the information is used for any purpose other than that
2 specified in paragraph (1) of subdivision (d).

3 (d) (1) Any confidential information obtained from the
4 department under this section shall be held confidential, except to
5 the extent necessary for the administration and enforcement of
6 parking restrictions, and may not be used for any purpose other
7 than the administration or enforcement of parking restrictions.

8 (2) A willful violation of paragraph (1) is a misdemeanor,
9 punishable by a fine of not more than five thousand dollars
10 (\$5,000), or by imprisonment in the county jail for not more than
11 one year, or by both that fine and imprisonment.

12 (3) A person who violates paragraph (1), in addition to any
13 other penalty provided under law, is liable to the department for
14 civil penalties of not more than one hundred thousand dollars
15 (\$100,000) and shall have its requester code privileges revoked, or
16 suspended for not more than five years.

17 (e) The public agency for which the private entity is providing
18 parking enforcement services shall implement procedures to
19 review the procedures of the private entity to ensure compliance
20 with paragraph (1) of subdivision (d). The public agency shall
21 report noncompliance to the department.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

